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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEB 22 2011
2-22-11
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

THOMAS R. BENNETT,

Plaintiff,

v.

P.O. KIARA MORGAN, P.O. MAJKA,
P.O. CAMERON RICH individually,
and the VILLAGE OF EVERGREEN
PARK, a municipal corporation,

Thomas Murthy, Sr.

Defendants.

1:11-cv-01252

Judge George M. Marovich

Magistrate Judge Nan R. Nolan

JURY DEMAND

COMPLAINT AT LAW

Now Comes the Plaintiff, THOMAS R. BENNETT, complaining against the Defendants, P.O. KIARA MORGAN, P.O. MAJKA, and P.O. CAMERON RICH individually, and the VILLAGE OF EVERGREEN PARK, a municipal corporation, as follows:

COUNT I

1. This action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, THOMAS R. BENNETT, accomplished by acts and/or omissions of the Defendants, P.O. KIARA MORGAN, P.O. MAJKA, P.O. CAMERON RICH and the VILLAGE OF EVERGREEN PARK, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, THOMAS R. BENNETT, was at all relevant times United States citizen and resident of the State of Illinois.

4. At all relevant times, the Defendants, P.O. KIARA MORGAN, P.O. MAJKA, and P.O. CAMERON RICH were duly appointed EVERGREEN PARK police officers acting within their scope of employment and under color of law.

5. On or about February 23, 2009, the Plaintiff, THOMAS R. BENNETT, was walking in the vicinity of West 95th Street in Evergreen Park, Illinois.

6. The Plaintiff, THOMAS R. BENNETT, was not committing a crime or breaking any laws.

7. The Defendant, P.O. KIARA MORGAN, physically stopped the Plaintiff THOMAS R. BENNETT.

8. The Plaintiff questioned why he was being stopped and whether he was under arrest.

9. Defendants, P.O. KIARA MORGAN and/or P.O. MAJKA and/or P.O. CAMERON RICH jumped on the Plaintiff, tazed, handcuffed and beat him.

10. The Defendants use of force was unprovoked.

11. Said use of force was excessive and unreasonable

12. The Plaintiff, THOMAS R. BENNETT was injured.

13. At all relevant times, the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH were acting pursuant to the customs and policies of the Evergreen Police Department.

14. The actions of the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH were intentional, willful and with malice.

15. Said actions of the Defendants P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH violated the Plaintiff, THOMAS R. BENNETT'S, Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

16. As a direct and proximate consequence of said conduct of the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH the Plaintiff, THOMAS R. BENNETT, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

Wherefore, the Plaintiff, THOMAS R. BENNETT, pray for judgment in his favor and against the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH in an amount in excess of Twenty Thousand Dollars and 00/100 (\$20,000.00) in compensatory damages and Twenty Thousand Dollars and 00/100 (\$20,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT II—FALSE ARREST

1-14. The Plaintiff, THOMAS R. BENNETT, hereby re-allege and incorporate his allegations of paragraphs 1-14 of Count I as his respective allegations of paragraphs 1-15 of Count I as though fully set forth herein.

15. Thereafter to cover-up their actions the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH arrested and charged the Plaintiff, THOMAS R. BENNETT with criminal charges.

16. There were no facts to support probable cause for these charges.

17. These actions of charging and arresting the Plaintiff constitute false arrest.

18. Said actions of the Defendants P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH violated the Plaintiff, THOMAS R. BENNETT'S, Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

19. As a direct and proximate consequence of said conduct of the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH the Plaintiff,

THOMAS R. BENNETT, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

Wherefore, the Plaintiff, THOMAS R. BENNETT, pray for judgment in his favor and against the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH in an amount in excess of Twenty Thousand Dollars and 00/100 (\$20,000.00) in compensatory damages and Twenty Thousand Dollars and 00/100 (\$20,000.00) in punitive damages, plus attorneys' fees and costs.

COUNT III—INDEMNIFICATION

1-15. The Plaintiff, THOMAS R. BENNETT, hereby reallege and incorporate his allegations of paragraphs 1-15 of Count I and II as his respective allegations of paragraphs 1-15 of Count III as though fully set forth herein.

16. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

17. The Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH were or are employees of the VILLAGE OF EVERGREEN PARK Police Department, who acted within their scope of employment in committing the misconduct described herein.

Wherefore, should the Defendants, P.O. KIARA MORGAN, P.O. MAJKA and P.O. CAMERON RICH be found liable for any of the acts alleged above, the Defendant, VILLAGE OF EVERGREEN PARK, would be liable to pay the Plaintiff, THOMAS R. BENNETT, any judgment obtained against said Defendant.

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Co-Conspirator Count

- ① Thomas Merrill, Sr. - Defendant -
threatened - plaintiff with
BODILY HARM in Summer 2006,
February 23, 2008 and February 23, 2009
- ② Defendant conspired with
Village of Evergreen Park and
Evergreen Park Police Department
to Harass and harm plaintiff

JURY DEMAND

The Plaintiff, THOMAS R. BENNETT, hereby requests a trial by jury.

Respectfully submitted,


Thomas R. Bennett.

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